

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MAJOR GRUBBS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07cv123-DCB-MTP

UNKNOWN GREER

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Michael T. Parker be, and the same is hereby, adopted as the finding of this Court, and the Defendant's Motion to Dismiss or, in the alternative for Summary Judgment be granted and this action be dismissed with prejudice. Further, the Plaintiff's claim is frivolous and this dismissal will count as a strike for purposes of 28 U.S.C. § 1915(g).

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 18th day of August, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE